

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

**JAMES W. SMITH, Jr., on his own  
behalf and on behalf of those  
similarly situated,**

Plaintiff,

v.

**QUESTAR CAPITAL CORPORATION,  
YORKTOWN FINANCIAL  
COMPANIES, INC., and ALLIANZ  
LIFE INSURANCE COMPANIES of  
NORTH AMERICA,**

Defendants.

Case No: **12-cv-02669 (SRN/TNL)**

**PLAINTIFF'S MOTION FOR  
PRELIMINARY APPROVAL OF  
SETTLEMENT AND  
PROVISIONAL CLASS  
CERTIFICATION**

Plaintiff hereby moves the Court for preliminary approval of the Settlement under Federal Rule of Civil Procedure 23(e) and requests that the Court:

1. Grant preliminary approval of the proposed Settlement reached by Plaintiff and Defendants;
2. Provisionally certify, for purposes of settlement only, the Settlement Class specified in the Settlement Agreement and herein, pursuant to Fed. R. Civ. P. 23(a) and 23(b);
3. Approve Daniel E. Gustafson and Scott D. Hirsch as Settlement Class Counsel and approve Plaintiff James W. Smith, Jr., as Class Representative;
4. Approve the Notice Plan as the best practicable means of providing notice of the Settlement to the Class;

5. Schedule a Final Approval Hearing to consider Plaintiff's motion for final approval of the proposed Settlement and for entry of the final judgment.

This Motion is based on Plaintiff's Memorandum of Law and the Declaration of Daniel E. Gustafson in support of this Motion.

Dated: April 22, 2015

Respectfully submitted,

s/Daniel E. Gustafson

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